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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/598,127

06/15/2007

Raymond Nexon

4444-060

1348

22429

7590

11/19/2009

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1700 DIAGONAL ROAD  
SUITE 300  
ALEXANDRIA, VA 22314

EXAMINER

YOUNKINS, KAREN L

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

11/19/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/598,127 | <b>Applicant(s)</b><br>NEXON, RAYMOND |  |
|                              | <b>Examiner</b><br>KAREN YOUNKINS    | <b>Art Unit</b><br>3751               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/25/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is not in proper idiomatic English. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: Page 10 states "angle is 1800". This language is unclear, there are no units associated with the angle.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 21-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. The claims are replete with limitations lacking proper antecedent basis in the claims. Exemplary examples include: Claim 21 recites the limitation "the connection means arrangement" in page 3. Claim 24 recites the limitation "the first named profile", Claim 25 recites the limitation "the lateral flanks", Claim 27 recites the limitation "the groove", and Claim 30 recites the limitation "its median plane" in page 4. Claim 36 recites the limitation "the floating floor" in page 5. There is insufficient antecedent basis for these limitations in the claims.

7. Regarding claim 21, the claim language "the profile having first and second ends sealed" renders the claim indefinite. As described in the specification, the first and second ends of the instant application are not sealed. Water and air flow in and out of the profile ends via the connection means 270. Amending the claim language to read "the profile having first and second ends sealed at least in part" would overcome this rejection.

8. Regarding claim 24, the applicant's claim limitations regarding a first and second profile are confusing. Initially as noted in pp-6 above, "the first named profile" lacks proper antecedent basis. It is therefore unclear how the profile as set forth in claim 24 may perform the claimed function.

9. Regarding claim 33, the claim language "further including a third conduit" renders the claim indefinite. There are no conduits currently set forth in claim 33 nor claim 21.

10. In light of the above, the claims are examined as best understood.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 21-22, 24-30, 32-33, and 35-36 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 4,229,843 to Belanger.

13. Regarding claims 21-22, 24-27 Belanger teaches a profile 6 that can float or be immersed. The profile includes at least one internal cavity (inside 21) longitudinally crossing the profile. The profile has first and second ends sealed, at least in part, respectively by first and second end pieces including a connection arrangement (see figure 4b). The connection arrangement is connected to first and second channels, the first channel (at 23) opens out into an upper section of the internal cavity and the second channel (at 24) opens out into a lower section of the internal cavity, see figure 4. The profile further comprises upper internal conduit (upper portion of 15) and a lower internal conduit (lower portion of 15) arranged on opposite sides of the internal cavity. The conduits are connected respectively to the internal cavity by passages, and the first and second channels are connected respectively with the upper and lower conduits. See figure 4.

The profile further comprises an 'articulated link' (coupling meansm see figure 5) including a tongue 27 and a groove 29 arranged respectively on the flanks of the profile, and rims 34 form a stop on opposite sides of a lower wall. The rims 34, as well as the

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'groove' into which the rims fit include discontinuities on each profile (the rims do not form a continuous line, see figure 5).

14. Regarding claims 28-30, as previously discussed in pp-13 above, further Belanger teaches an 'articulated junction' (coupling means, see figure 5). The 'articulated junction' comprises a first sleeve (on left 6 in figure 5) and a second sleeve (on right 6 in figure 5) mounted, in so much as the sleeves of the instant invention are mounted, respectively on shaped supports protruding from the end pieces. The sleeves include a section of a profile divided in two parts along a median plane, are coupled by the articulated link, and have lateral walls with holes as claimed.

15. Regarding claims 32-33, and 35, as previously discussed in pp-13 above, further the profile includes a plurality of the internal cavities (within each piece of 15) arranged side by side. Each end piece includes a 'connection arrangement' that opens out respectively into the internal cavities. See figure 4. The profile further includes a 'third' conduit (in the middle of 15) that is between an upper conduit and an upper wall of the profile. Each end piece includes an additional connection arrangement connected to a channel opening out into the third conduit, and the connection arrangement includes an 'offset' connector. See structure of 15 in figure 4.

16. Regarding claim 36, as previously discussed in pp-13 above, Belanger teaches a floor that can float or be immersed comprising profiles according to claim 21 (see pp-13). The floor includes several groups of profile rows, and the rows of a single group are connected one after each other so as to give priority to filling of rows of the profiles located closest to an edge of the floating floor. See figure 4.

***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 4,626,005 teaches a similar floating pool cover having hollow sections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN YOUNKINS whose telephone number is (571)270-7417. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. Y./  
Examiner, Art Unit 3751

/Gregory L. Huson/  
Supervisory Patent Examiner, Art  
Unit 3751/K. Y./

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